

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL A. JOHNSON,
Plaintiff,

v.

BRADLY MIDDLETON, et al.,
Defendants.

Case No. [14-cv-03230-VC](#)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

On July 17, 2014, Plaintiff Michael A. Johnson, a state prisoner proceeding *pro se*, filed a federal petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254. That same day, the Clerk sent a notice to Johnson informing him that he failed to pay the filing fee or file a completed application for leave to proceed *in forma pauperis*. The Clerk also sent a notice of assignment of this action to a magistrate judge and asked Johnson to consent to magistrate judge jurisdiction. On August 18, 2014, the documents were returned to the Court as undeliverable because Johnson was no longer in custody. On October 6, 2014, because Johnson had not consented to magistrate judge jurisdiction, this case was assigned to the undersigned district judge.

Pursuant to Northern District Local Rule 3-11, a party proceeding *pro se* whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. *See* Civil L.R. 3-11(a). The Court may, without prejudice, dismiss a complaint when: (1) mail directed to the *pro se* party by the Court has been returned to the Court as not deliverable, and (2) the Court fails to receive within sixty days of this return a written communication from the *pro se* party indicating a current address. *See* Civil L.R. 3-11(b).

More than sixty days have passed since the mail sent to Johnson by the Court was returned as undeliverable on August 18, 2014. The Court has not received a notice from Johnson of a new

1 address. Accordingly, the instant complaint is DISMISSED without prejudice pursuant to Rule 3-
2 11 of the Northern District Local Rules.

3 **IT IS SO ORDERED.**

4 Dated: October 27, 2014



VINCE CHHABRIA
United States District Judge

United States District Court
Northern District of California